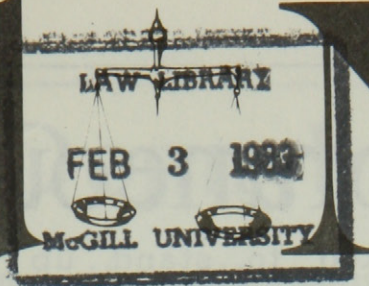


# Quid Novi



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MCGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITY MCGILL

February 2, 1983  
2 février, 1983

## Compte-Rendu de la CADED

par Anne-Marie Veilleux  
Représentante CADED

Samedi le 22 janvier s'est tenue à l'université McGill une réunion du conseil de la CADED, la confédération des associations des étudiants en droit. Les universités McGill, Sherbrooke, Laval et Montréal y étaient représentées. Cette réunion a permis de faire le point sur la CADED et de jeter les bases d'une coopération inter-universitaire.

### 1. Le point sur CADED

La CADED est un organisme qui regroupe l'ensemble des étudiants de droit civil au Canada et ceux des écoles de formation professionnelle du Québec. La charte de la CADED a été complètement remaniée l'année dernière, afin de permettre aux étudiants de fonctionner plus efficacement à l'intérieur de ses structures.

La CADED se réunit sous deux formules soit en plénière, soit en conseil. Tout étudiant faisant partie d'une association membre de la CADED peut participer à la plénière. Il y a aussi droit de vote. Quant au conseil, il agit comme délégué de la plénière. Il doit se réunir deux fois par année au minimum. Il est composé d'un nombre plus restreint d'étudiants, à savoir deux étudiants par association étudiante membre de la CADED.

La CADED constitue le

forum privilégié où se discutent toutes les questions présentant un intérêt pour les étudiants en droit (ex: coupures budgétaires, formation professionnelle et académique...).

### 2. Coopération inter-universitaire

En novembre 1982, lors de la rencontre inter-exécutifs tenue à l'université de

Montréal, les participants décidaient d'entreprendre une étude sur la qualité de l'enseignement dans les facultés de droit. Cette étude a de nouveau fait l'objet de discussions samedi dernier. Il y a été décidé que les résultats seraient analysés en profondeur les 11 et 12 mars prochain, lors d'une plénière tenue à l'univer-

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## Report From V.P. Univ. Affs.

by Timothy Baikie

At the last Studsoc meeting (on Jan. 19), I was elected to be one of four McGill delegates to a meeting of Quebec student associations at Concordia. The meeting was organized by the Concordia University Students' Association (CUSA) and the Comité pour la Coordination Unitaire (CCU), a committee established in December.

In November, I wrote of the decision of McGill to withdraw from RAEU, leaving us unrepresented in any inter-university student association (Q.N. Nov. 24, p. 1) since that time there have been attempts at organizing some sort of informal structure to coordinate responses to issues affecting students generally. This culminated in the Concordia meeting last weekend.

Initially, the results

were encouraging. Many universities and CEGEPS were represented, although some (such as the University of Montreal) chose to participate only as observers. However, many discussions tend to get overly political and much of the time was spent unproductively. Often as much as half an hour was spent debating a single word contained in a motion. The most important issue, that is, whether some sort of structure be formally established, was pushed to the end of the agenda.

However, it was a beginning and it was encouraging to see something being done to stop the constant bickering that has badly split the Quebec Student Movement. It is interesting to note that a special women's caucus, held on Saturday evening, was able to pass an impressive number of resolutions in a single three-hour session.



# Extemporaneous efforts

by Pearl Eliadis

No, I'm not talking about classes. I'm talking about the legendary Extemporaneous Speaking Contest, held annually by the Phi Deltis. This year, hundreds of students packed the Moot Court to hear our beloved profs square off against each other in public.

Each of the six contestants was given two pithy quotations, one of which was chosen as the subject of a five minute dissertation.

Prof. "Dark Horse" Bridge trotted to the podium first. With his forelock askew, he graced the audience with his unique interpretation of Murphy's Law (apparently taken from his contracts class): a)pathetic, b)shallow, and c)banal. Starting with pathetic, Prof. Bridge rewrote Murphy's Law, stating that whatever can be a tort will be a tort. In addition he proposed that Murphy is just a colloquialism for potatoes, and the real test becomes: There is absolutely no limit to the number of potatoes that an Irishman will eat.

Turning to shallow, Prof. Bridge remarked that nothing ever goes wrong with him, so he had little to say on that subject. Finally, banality was fully explored, using the mechanism of circularity. Circularity is a good technique, he said, since he goes so fast that no one can get on the roundabout. He may have said something after that, but he was going so fast I couldn't catch it.

Prof. Simmonds then made his appearance. Adopting a stance on the upper level of the platform (presumably to reach his audience) he was

asked to stand up by an observant student. Prof. Simmonds' quotation was: you never have a second chance to make a first impression. ("Think about it"). One of the essential elements to a first impression is a person's dress. All of his students are, of course, aware of the standards Prof. Simmonds sets in that category. Yet another element is deportment, and Prof. Simmonds babbled a while about Doppler effects and release of nervous energy before moving on to content. "Practically anything I say becomes important," he observed modestly, and it all comes back to him eventually in one form or another. At this point in his speech, many of his students were seen taking notes, especially when Prof. Simmonds began talking about winding up. It is crucial, he said, to leave the audience wanting more. I assume that this was said to contrast with having left his audience wanting.

Prof. Wade then showed up in the hopes of winning something more than our respect. Placed in the difficult position of following the "nauseating cuteness" of Prof. Simmonds, he informed us that his quotation was "I shall return." Somehow, the subject of the Rocky Mountain goat came up, and Prof. Wade referred back to Prof. Bridge's admirable treatment of the problem of circularity, noting that if the subject were applied to the Rocky Mountain goat, the beast would "disappear up its own fundamental orifice." Prof. Wade applied his quotation to a little story about his remote Maori ancestor who was forbidden by treaty to eat white men. Not being able to tell the difference between flagpoles

and the legs of governors' wives, his ancestor chopped the legs off a wife (are you closely following the logic here?). The Treaty, sad to say, has always been breached. And now Prof. Wade is free to eat white men. And women....

Prof. Sklar, batting zero, arrived next. After deciding to stand on the lower level of the Moot Court, he told us that his quotation was "What goes up must come down." Unfortunately for us, he did not have a fever. He informed us that "I am a scream when I have a fever." Nevertheless he bravely plunged on despite his health. He was impeded in his analysis by his inability to avoid a correlation between the adage and the subject of gross indecency (at which point Prof. Wade was seen making strange gestures in

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# Rebecca of Donnybrook Farm

by Paul Dunn & Rick Elliott

Amid rumours of internal dissension, the Fighting Frankelmoigners relied on their spiritual strength to

## Fellowships in Legislative Drafting

The federal Department of Justice is offering eight fellowships in LEGISLATIVE DRAFTING, tenable at the University of Ottawa during the 1983-84 academic year. The English language program is directed by Professor D. Stoltz, Assistant Parliamentary Counsel, House of Commons. The French language program is directed by the Hon. Louis-Philippe Pigeon, retired judge of the Supreme Court of Canada. Each fellowship has a value of \$10,250 plus tuition and travel to Ottawa. Further details appear on a yellow poster on the bulletin board.

Le ministère fédéral de la Justice offre huit bourses de perfectionnement en Rédaction Législative dans le cadre des programmes donnés à l'Université d'Ottawa au cours de l'année universitaire 1983-84. Le programme en langue française est dirigé par l'honorable Louis-Philippe Pigeon, juge retraité à la Cour suprême du Canada. Le programme en langue anglaise est dirigé par le professeur D. Stoltz, conseiller parlementaire adjoint de la Chambre des communes. Chaque bourse a une valeur de 10,250 \$, plus les frais de déplacement. Pour plus de précisions, prière de consulter la circulaire jaune au tableau d'affichage.

overcome Med III Monday night at the lavish Sir Arthur Currie Sportspalace.

Wearing their sweat socks at half mast in remembrance of the abolition of Frankelmoign by the Administration of Estates Act of 1925 the boys eschewed their usual finesse game for something of a more pugilistic nature.

The driving force behind the club's new style is Wayne "Game Face" Burrows who ignited the 'Moigns early in the match by single-handedly taking on the entire opposition in a full-scale donnybrook. The actions of Mr. Burrows were not unjustified as the veteran was attempting to prevent John Webster from being pushed around by the other team.

Player-coach Steve Krieger expressed delight over the performance of two newcomers to the squad, namely

"Philadelphia John" Yatsko and promising freshman Brian "Emergency" Ward. The addition of these two rookies is crucial to the club's playoff drive especially in light of the injuries to "Springboard Rickie" Elliott (knee) and Bruce "the Carboose" Fitzsimmons (hangnail).

Krieger refused to comment on his benching of journeyman forward Paul Dunn, although insiders feel that the coach's intense jealousy towards the westerner has caused the "trade winds" to blow over Chancellor Day Hall.

As has been the custom, the bulk of the scoring was contributed by Cliff "Hanger" Halickman and a quiet young lad by the name of Dave Wiseman. When questioned about his performance after the game, the reserved Wiseman refused to comment.

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# Quid Novi

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## CADED

sité McGill. Outre la qualité de l'enseignement, d'autres thèmes seront aussi abordés à savoir les débouchés possibles pour les étudiants en droit, la légalité de la publicité pour les avocats, et le ticket modérateur à l'aide juridique.

Les délégués au conseil de la CADED ont aussi décidé de mettre sur pied une banque d'information. Cette banque constituera un moyen de faciliter les échanges inter-facultés. On y trouvera entre autres les listes des cours offerts dans les diverses universités, les chartes des associations étudiantes, les dossiers "chauds" à l'étude dans les diverses associations.

Enfin, la délégation de membres au comté conjoint du barreau, un comité composé entre autres des doyens des facultés droit, du bâtonnier et d'étudiants en droit (au niveau de la licence et du barreau) a fait l'objet de discussions. Une décision formelle sur ce point sera prise lors de la plénière à venir.

Bref, la réunion du conseil de la CADED de samedi dernier a été le prélude de la plénière à venir les 11-12 mars.

P.S. annonce de dernière minute: colloque à l'université Laval, le 5 février sur "les débouchés pour le juriste québécois".

## Editorial

# Professors with practice

Should full-time professors be given tenure if they have a legal practice? Some faculty members say no. In support of this view it is argued that practicing professors do not adequately fulfill four criteria. It is alleged that practicing professors have insufficient time to fulfill their administrative duties, to contribute to faculty interrelationships, and to participate in the dialogue of legal issues with their colleagues. In addition, it is said that practicing professors are not available to their students, and that time constraints do not allow them to research and publish materials, a high-value criterion in tenure decisions. For these reasons it is felt that the legal academics are, in effect, subsidizing the teaching practitioner.

Unfortunately, these are unsubstantiated generalizations. While the practicing professor may have substantial demands on his or her time, one should not overlook the value he or she might contribute to the faculty. For example, a continued presence in the faculty has yet to be shown as directly and necessarily correlated to the fulfillment of administrative duties which the faculty encourages. Rather, the administrative value of a professor is directly proportional to their involvement in the faculty's administrative committees and the like. Hypothetically one can imagine a situation where a professor spends the greater part of the day in the faculty yet has at his disposal administrative and faculty resources exploited for his or her personal use. The result is that a professor who spends all of his time in the faculty may contribute less than a practicing lawyer.

The availability of these professors to students and colleagues is not determinable solely by continuous appearance in the law school. Rather, availability should be measured by a professor's intellectual and not temporal accessibility. A professor must be open and understanding about the difficulties facing students and realize that faculty interaction is the lifeblood of vigorous debate. Communication is a function of quality and not quantity.

The faculty also relates research and publishing as prime requirements in tenure decisions. This is based on a view that this type of work serves to enhance the faculty's reputation. However, a practicing professor serves the same goals when he or she is litigating cases with important social, political, or moral ramifications. As a result, in the last year it has been the practicing lawyer who has shed more limelight on the faculty than any recent publication. For example, Professor Grey has become instrumental in the struggle for language rights under the Charter, and Professor Cotler recently argued and won a landmark standing claim in the Rauca case. Their endeavors have pushed McGill to the forefront in these respective fields.

The practicing lawyer also contributes a much needed extra dimension to any faculty which claims to provide a well-rounded legal education. His or her experience



# Pratice

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brings an element of practicality in the study of law. Pure legal ideas may lose their relevant value if they cannot be tuned to today's social forces. Consequently, realism and the law, policy and purpose, are much needed elements in a legal education.

Refusal to acknowledge the valuable contribution of the full-time practicing professor leads to perpetuation and insulation of strictly legal academic rules that are at times divorced from reality. We should want to have the full time practicing professor as a valued institution in, and not an adjunct to, our law school. Otherwise, our faculty will be permanently funnelled into a narrow, pedantic and limited perspective in our legal education.

Demetrios Xistris  
Pearl Eliadis

## Effort

Cont'd from p. 2

the corner). He finally got himself past the point he had raised, however, and noted that at least one thing does not come down, and that is hot air. Hot air goes up, he said. And it does not come down. It just keeps going up and up and Prof. Sklar just kept on and on and on....

Prof. Grey then rolled in. His subject was: "The law is a jealous mistress." Prof. Gray had a hard time with that, though. He could not figure out just what it is one DOES with the law, in a concrete sense. Although he tried to approach it from a number of positions, he could not apparently satisfy himself as to the answer for such a question. Is the law feminine? he asked. It must be, he said, or else I wouldn't have gone into it, as it were. But that left a difficult problem, he said, for that does not explain a number of professors not inclined in the same way.

But let us assume that the law is a jealous mis-

tress, he said. From her sheer bulk, you cannot get away, and if you do, you won't be published. How do you get divorced? One way is by writing first year exams. Another way is by writing second year exams. Yet another is by flunking out and appealing, and then you have to say that you did not really do anything else. You were sick. And it is hard to do it when you are sick. Amen.

Bringing up the rear, Prof. Macdonald tugged on our heartstrings by telling us that he had spent much of his life being last. But not always. Except for Prof. Grey, he was the first Canadian to speak at the contest. He had been the first to get thrown out of school for writing "I will not be impertinent, you turkey." He was the first to go bald. And so on. What was his quotation, you ask? "They who talk the most have the least to say." He had admired the previous associate Dean for living up to this saying by reducing the office of Associate Dean to one word: "NO".

## Announcements

### To Students and Faculty

In the last two weeks, the wheelchair path has been consistently blocked by cars. The wheelchair sign means NO PARKING in that area. Disregard of this sign creates great inconvenience, and it would be greatly appreciated if students and faculty could be more considerate in the future.

### Ski Trip

Phi Delta Phi is sponsoring a Ski Trip to Mont Tremblant on Friday, Feb. 11, 1983.

Murray Hill Coach departs from Chancellor Day at 7 a.m. and will leave the hill at 6 p.m.

Price: \$17.95 (includes lift ticket and transport).

Tickets on sale in basement. For further info contact Bob L'esperance or Peter McArthur.

### Beer & Pizza

in "The Pit"

Thursday, Feb. 3rd

12:00 - 2:00

Come encourage our "Marathoners"!

Sponsored by the Social Committee.

The illustrious bench (Ame Berlin, Profs. Baker and Jane Glenn) rendered their decision in favour of Prof. Grey. The main reason for that choice, it appears, was that Prof. Glenn admired the number of times Prof. Grey had brought up the subject of sex. But, she had said, the choice had been a difficult one. And then Prof. Glenn said something to conclude, but I didn't hear her.



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